

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 7485**

**BILL NUMBER:** HB 1710

**NOTE PREPARED:** Dec 31, 2004

**BILL AMENDED:**

**SUBJECT:** Child Restraint System Requirement.

**FIRST AUTHOR:** Rep. Ruppel

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill provides that the requirement that a child be fastened in a child restraint system while in a motor vehicle applies to: (1) a child less than four years of age; and (2) a child of at least four years of age who weighs less than 80 pounds and is less than 57 inches tall. (Under current law, the requirement applies to a child less than eight years of age.) It creates an exemption from the child restraint system requirement for a child at least four years of age if the child is riding in a motor vehicle that seats more than nine and is owned or leased and operated by a day care center, a preschool, or a kindergarten.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:**

**Explanation of State Revenues:** There are no data available to indicate how many fewer Class D infraction convictions would result from changing the requirement for use of a child restraint system from eight years old to four years old or less than 80 pounds and 57 inches tall. Additionally, the effect of exempting day care centers, preschools, and kindergartens operating vehicles with seating for more than nine from the requirement is unknown.

If fewer court cases occur, revenue to the state General Fund may decrease as there would be fewer infraction judgments and court fees. The maximum judgment for a Class D infraction is \$25, which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

If a criminal action, infraction or ordinance violation involves a traffic violation, including this proposed offense, a highway work zone fee of either 50 cents or \$25.50 is assessed.

Between 1999 and 2003, there was an average of 4,300 citations for child restraint violations, with 4,293 found guilty.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Bureau of Motor Vehicles Citation Report.

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